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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
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Item 6 of the provisional agenda*

Ways and means of expediting the work of the Committee

Report by the Secretariat

Contents

		Paragraphs	Page
I.	Introduction	1–3	2
II.	Eleventh meeting of the chairpersons of human rights treaty bodies	4–5	2
III.	The Subcommission on the Promotion and Protection of Human Rights	6–9	3
IV.	Efforts to encourage universal ratification of the Convention and acceptance of the amendment to article 20 (1)	10–11	4
V.	The General Assembly	12–14	5
VI.	The Human Rights Committee's revised guidelines for reports of States parties	15–19	6
VII.	Reports to be considered at the twenty-third, twenty-fourth and twenty-fifth sessions of the Committee	20–21	7
Annexes			
I.	States parties whose reports are more than five years overdue		8
II.	States parties whose reports have been submitted but have not yet been considered by the Committee		11
III.	States parties that have deposited with the Secretary-General instruments of the acceptance of the amendment to article 20, paragraph 1, of the Convention		13
IV.	States that have not ratified or acceded to the Convention		14

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I. Introduction

1. The present report addresses a number of issues relevant to the Committee on the Elimination of Discrimination against Women. These include:

(a) Relevant issues considered at the eleventh meeting of persons chairing the human rights treaty bodies, held at Geneva from 31 May to 4 June 1999;

(b) Relevant recommendations of the Subcommission on the Promotion and Protection of Human Rights;

(c) Relevant decisions of the fifty-fourth session of the General Assembly;

(d) Information on the Human Rights Committee's revised reporting guidelines.

2. A list of States parties whose reports are more than five years overdue is contained in annex I. As requested by the Committee at earlier sessions, the report also contains a list of States parties whose reports are to be considered in order of receipt, taking into account geographical balance (see annex II).

3. Information on efforts by the Special Adviser on Gender Issues and Advancement of Women and the Division for the Advancement of Women with regard to universal ratification, timely reporting and acceptance of the amendment of article 20.1 of the Convention, in accordance with suggestion 21/1 adopted by the Committee at its twenty-first session, is included in the report. A list of those States parties which have accepted the amendment is contained in annex III.

II. Eleventh meeting of the chairpersons of human rights treaty bodies

4. Among the recommendations adopted by the meeting of the chairpersons of human rights treaty bodies relevant to the work of the Committee on the Elimination of Discrimination against Women were those directed at enhancing the cooperation between treaty bodies and human rights special procedures. It recommended the institutionalization of a system for drawing the attention of the different special procedures to the work of treaty bodies relevant to their work, including observations on the reports and views of States parties on individual cases. The chairpersons also encouraged the treaty bodies to call, as they feel necessary, for the cooperation of the special procedures, including the direct exchange of information, during their sessions and recommended that a full day of joint meetings be convened between the chairpersons and the special procedures at the twelfth meeting in 2000.

5. The chairpersons considered the possibility that sessions of treaty bodies might be held in locations other than their usual sites so that they could be made more visible in regions where they might not be well known, so that they could be accessible to some States that might not have representation at their normal sites, and to facilitate reporting by small States that might not otherwise be in a position to attend sessions of treaty bodies. The chairpersons agreed that it would be useful to establish an ad hoc joint working group of designated members of treaty bodies to explore the possibility of drafting common guidelines for reports of States parties with regard to common provisions contained in several human rights treaties and called on the Office of the High Commissioner for Human Rights to take steps to organize meetings of such a working group.

III. The Subcommission on the Promotion and Protection of Human Rights

6. At its fifty-first session, the Subcommission on the Promotion and Protection of Human Rights adopted a number of decisions and resolutions of relevance to the Committee on the Elimination of Discrimination against Women. In its resolution 1999/13 on traditional practices affecting the health of women and the girl child, the Subcommission took note of the third report on the situation regarding the elimination of traditional practices affecting the health of women and the girl child submitted by the Special Rapporteur on this issue[1] and expressed concern at the absence of information on harmful traditional practices, in particular practices other than female genital mutilation, and on measures taken to eradicate them. It appealed to States to intensify efforts to develop awareness of and mobilize national opinion concerning the harmful effects of female genital mutilation, particularly through education, information and training and requested all non-governmental organizations dealing with women's issues to devote part of their activities to the study of these practices and ways and means of eradicating them. It called on all Governments to implement the Plan of Action adopted by the Subcommission on the elimination of harmful traditional practices[2] and proposed that three seminars should be held in Africa, Asia and Europe to review progress in, and obstacles to, the implementation of the Plan of Action.

7. In its resolution 1999/15 on women and the right to development, the Subcommission affirmed that discrimination faced by women with respect to acquiring and securing land, property and housing, as well as financing for land, property and housing constituted a violation of women's human rights to equality, protection against discrimination and to the equal enjoyment of the right to an adequate standard of living, including adequate housing. It urged Governments to comply fully with all of their international and regional obligations and commitments concerning women's economic rights and to promote the education of women, including as to their rights. It also urged Governments to take all necessary measures to amend and/or repeal laws and policies which inhibit women's economic rights and their right to development, in particular those pertaining to land, property and housing and recommended that Governments, international financial institutions, local lending agents, housing and finance institutions and other credit facilities review their policies and eliminate those which discriminate against women. It called upon the international trade, investment and financial institutions to take fully into account the human rights implications for women of their policies. The Subcommission welcomed the invitation made by the Committee on the Elimination of Discrimination against Women to the World Bank and the International Monetary Fund to submit to it an analysis of the impact of their policies on respect for women's fundamental rights. It also invited the Committee to pay special attention to women's economic rights, including the rights to land, property and an adequate standard of living, including adequate housing, when examining States parties' reports, and to explore the possibility of adopting a general recommendation on that theme as it related *inter alia* to the provisions of article 14 of the Convention, with a view to clarifying the obligations of States parties to the Convention in this respect.

8. Resolution 1999/17, adopted on the basis of the report of the Working Group on Contemporary Forms of Slavery on its twenty-fourth session[3] and the recommendations contained therein, concerns traffic in persons, and exploitation of prostitution of others, prevention of the trans-border traffic in children in all its forms and similar practices. The resolution recommends, *inter alia*, that the Committee on the Elimination of Discrimination against Women give particular attention to the implementation of article 6 in considering

reports of States parties and include in its guidelines an item concerning contemporary forms of slavery.

9. In its resolution 1999/27 on reservations to human rights treaties, the Subcommission took note of the concerns about reservations expressed by the Committee on the Elimination of Discrimination against Women and the report of the Secretary-General on the views of the six human rights treaty bodies on the Preliminary Conclusions of the International Law Commission.[4] Welcoming the continuing cooperation between the Committee on the Elimination of Racial Discrimination, the Committee on the Elimination of Discrimination against Women and the Subcommission, it took note of the working paper submitted by Ms. Françoise Hampson[5] and decided to appoint her Special Rapporteur with the task of preparing a comprehensive study on the issue of reservations to human rights treaties. It also requested her to seek the advice and cooperation of all treaty bodies in this regard.

IV. Efforts to encourage universal ratification of the Convention and acceptance of the amendment to article 20 (1)

10. Paragraph 230 of the Beijing Platform for Action[6] urged Governments to ratify or accede to the Convention so that universal ratification could be achieved by the year 2000. In order to assist States to accelerate their actions towards ratification or accession, letters have been sent to those Governments which are not States parties to the Convention (see annex IV) by the Secretary-General and by the Special Adviser to the Secretary-General on Gender Issues and Advancement of Women.

11. On 15 October 1999, during the fifty-fourth session of the General Assembly, the Special Adviser convened a meeting of States which were not party to the Convention. Both the Special Adviser and the Chairperson of the Committee on the Elimination of Discrimination against Women offered to provide information or assistance in respect of ratification. Representatives of specialized agencies and other bodies of the United Nations, including the United Nations Children's Fund and the United Nations Development Fund for Women, also participated in the meeting. Following the meeting, the Special Adviser wrote to States that were not party to the Convention encouraging them to seek technical assistance in this regard. The Special Adviser had discussions with States that were not party to the Convention during the Sixth African Regional Conference on Women to assess progress in the implementation of the Beijing and Dakar Platforms for Action, held from 22 to 26 November 1999 in Addis Ababa. The Special Adviser convened a meeting similar to the one held in New York for six Member States at the Arab conference on integrated regional follow-up to the United Nations global conference, held in Beirut, on 30 November 1999. Follow-up letters were sent to the Permanent Representatives of the States concerned and to the individual. Efforts to encourage ratification have also included the participation of the Chief of the Women's Rights Unit, Division for the Advancement of Women, Department of Economic and Social Affairs, in a training course organized by the Training Centre of the International Labour Organization in Turin during December which was attended by representatives of several States which are not party to the Convention.

V. The General Assembly

12. On 6 October, the General Assembly adopted resolution 54/4 on the Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women. The Optional Protocol had been drafted by an open-ended working group of the Commission to the Assembly, through the Economic and Social Council. The Optional Protocol was opened for signature in a signing ceremony on 10 December, Human Rights Day. Twenty-three States signed the instrument that day. The Optional Protocol will enter into force three months after the tenth instrument of ratification has been deposited with the Secretary-General.

13. Other resolutions adopted by the General Assembly at its fifty-fourth session of particular relevance to the Committee on the Elimination of Discrimination against Women included resolution 54/133 of 17 December on traditional or customary practices affecting the health of women and girls, which recalled the Committee's general recommendation 14 concerning female circumcision and paragraphs 15 (d) and 18 of general recommendation 24 concerning article 12 of the Convention on women and health. The resolution called on States, *inter alia*, to ratify the Convention and to respect and implement fully their obligations and include in their reports specific information on measures taken to eliminate traditional or customary practices affecting the health of women and girls, including female genital mutilation. In its resolution 54/134 of 17 December, the Assembly decided to designate 25 November as the International Day for the Elimination of Violence against Women, while in its resolution 54/138 of 17 December on violence against women migrant workers it *inter alia* encouraged the Committee on the Elimination of Discrimination against Women to consider developing a general recommendation on the situation of women migrant workers.

14. In its resolution 54/137 of 17 December on the Convention on the Elimination of All Forms of Discrimination against Women, the General Assembly expressed concern at the great number of reports that were overdue and continued to be overdue, in particular initial reports, and urged States that had not yet ratified or acceded to the Convention to do so as soon as possible so that universal ratification of the Convention could be achieved by the year 2000. It noted that some States parties had modified or withdrawn their reservations and urged States to limit the extent of any reservations they lodged to the Convention, to formulate any reservations as precisely and narrowly as possible to ensure that no reservations were incompatible with the object and purpose of the Convention or otherwise incompatible with international treaty law, to review their reservations regularly with a view to withdrawing them and to withdraw those that were contrary to the object and purpose of the Convention or otherwise incompatible with international treaty law. The resolution urged States parties to make every possible effort to submit their reports on the implementation of the Convention in accordance with article 18 and with the Committee's guidelines and to cooperate fully with the Committee in the presentation of their reports. It invited Governments, agencies and organizations of the United Nations system as well as intergovernmental and non-governmental organizations to disseminate the Convention and its optional protocol and encouraged all relevant entities of the United Nations system, within their mandates, to continue to assist, upon their request, States parties in implementing the Convention and, in this regard, to pay attention to the concluding comments and general recommendations of the Committee. It encouraged all relevant parts of the United Nations system to continue building women's knowledge and understanding of and capacity to utilize human rights instruments, in particular the Convention and its optional protocol, and welcomed the submission of reports by the specialized agencies to

the Committee and the contribution of non-governmental organizations to the Committee's work.

VI. The Human Rights Committee's revised guidelines for reports of States parties

15. At its sixty-sixth session, the Human Rights Committee adopted revised guidelines for the preparation of initial and all subsequent periodic reports effective for all reports presented after 31 December 1999.[7] The guidelines provide that the terms of the articles of the International Covenant on Civil and Political Rights must, together with general comments issued by the Committee on any such article, be taken into account in preparing the report. Any reservation to or declaration as to any article of the Covenant by the State party should be explained and its continued maintenance justified. Factors and difficulties, if any, affecting the implementation of the treaty should be indicated, the nature and extent of and reasons for every such factor and difficulty should be explained and details of the steps being taken to overcome them should be given. Sufficient data and statistics to enable the Committee to assess progress in the enjoyment of Covenant rights relevant to any appropriate article should be included to enable the Committee to assess progress in the enjoyment of rights, and the situation regarding the equal enjoyment of rights by men and women should be specifically addressed.

16. Initial reports should establish the constitutional and legal framework for the implementation of rights, explain the legal and practical measures adopted to give effect to Covenant rights and demonstrate the progress made in ensuring enjoyment of rights by people within the State party and subject to its jurisdiction. While legal norms with regard to every article should be described, so should the factual situation and the practical availability, effect and implementation of remedies for violation of rights. Initial reports should indicate whether the Covenant is incorporated into domestic law in such a manner as to be directly applicable or whether its provisions can be invoked before and given effect to by courts, tribunals and administrative authorities. Reports should indicate whether Covenant rights must be enacted or reflected in domestic law by legislation so as to be enforceable. Information should be given about the judicial, administrative and other competent authorities having jurisdiction to secure rights and include information about any national or official institution or machinery which exercises responsibility in implementing rights or in responding to complaints of violations, with examples of activities in this respect being required. Reports should be accompanied by copies of the relevant principal constitutional, legislative and other texts which guarantee and provide remedies in relation to rights. These texts will not be copied or translated, but will be made available to members of the Committee.

17. The revised guidelines provide that there should be two starting points for periodic reports: (a) the concluding observations on the previous report and summary records of the Committee's consideration and (b) an examination by the State party of the progress made towards and the current situation concerning the enjoyment of rights by persons within its territory or jurisdiction. Fundamental changes in the State party's political and legal approach affecting Covenant rights may have occurred, in which case a full article-by-article report may be required and new legal or administrative measures which have been introduced may merit the annexing of texts and judicial or other decisions.

18. In cases where the State party has ratified the first Optional Protocol and the Committee has issued views in relation to a communication received under that Protocol,

a report should include information about the steps taken to provide a remedy or meet such concern and to ensure that any circumstance thus criticized does not recur.

19. The revised guidelines also address the Committee's consideration of reports, including the composition of the State party's delegation, and establish cut-off dates with regard to the submission of material updating reports.

VII. Reports to be considered at the twenty-third, twenty-fourth and twenty-fifth sessions of the Committee

20. At its seventeenth session, the Committee adopted decision 17/II, in which it decided that the maximum number of reports to be considered at each session would normally be eight, drawn from a proposed list of up to 10 countries. At its twenty-first session, the Committee proposed a list for its twenty-third session: Lithuania, Maldives, Republic of Moldova (initial reports); Netherlands (second periodic report); Iraq (second and third periodic reports); Austria (third and fourth periodic reports); and Cuba and Romania (fourth periodic reports). Four States parties have agreed to present periodic reports: Austria, Cuba, Iraq and Romania. In confirming the list of those States parties presenting initial reports, the Committee may wish to take account of the fact that the initial reports of Cameroon and Singapore have been received.

21. In drawing up the list of reports of States parties to be considered at its twenty-fourth and twenty-fifth sessions, the Committee may wish to take account of annex II, which draws attention to the reports that have been submitted but have not been considered by the Committee, including those which have been translated and reproduced and are available in the official languages of the United Nations.

Notes

[1] E/CN.4/Sub.2/1999/14.

[2] E/CN.4/Sub.2/1994/10/Add.1 and Corr.1.

[3] E/CN.4/Sub.2/1997/17 and Corr.1.

[4] E/CN.4/Sub.2/1998/25.

[5] E/CN.4/Sub.2/1999/28 and Corr.1.

[6] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex II.

[7] CCPR/C/66/GUI/Rev.1.

Annex I

States parties whose reports are more than five years overdue

State party	Date due
A. Initial reports	
Angola	17 October 1987
Bahamas	5 November 1994
Benin	11 April 1993
Bhutan	30 September 1982
Bosnia and Herzegovina	1 October 1994
Brazil	2 March 1985
Burundi	7 February 1993
Cambodia	14 November 1993
Cape Verde	3 September 1982
Central African Republic	21 July 1992
Congo	25 August 1983
Costa Rica	4 May 1987
Dominica	3 September 1982
Estonia	20 November 1992
Gambia	16 May 1994
Grenada	29 September 1991
Guinea	8 September 1983
Guinea-Bissau	22 September 1986
Haiti	3 September 1982
Lao People's Democratic Republic	13 September 1982
Latvia	14 May 1993
Liberia	16 August 1985
Malta	7 April 1992
Saint Kitts and Nevis	25 May 1986
Saint Lucia	7 November 1983
Samoa	25 October 1993
Seychelles	4 June 1993
Sierra Leone	11 December 1989
Suriname	31 March 1994
Tajikistan	25 October 1994
Togo	26 October 1984
Trinidad and Tobago	11 February 1991

State party	Date due
B. Second periodic reports	
Angola	17 October 1991
Bhutan	30 September 1986
Brazil	2 March 1989
Cape Verde	3 September 1982
Congo	25 August 1987
Costa Rica	4 May 1991
Dominica	3 September 1986
Gabon	20 February 1988
Guinea	8 September 1987
Guinea-Bissau	22 September 1990
Haiti	3 September 1986
Lao People's Democratic Republic	13 September 1986
Liberia	16 August 1989
Madagascar	16 April 1994
Malawi	11 April 1992
Mali	10 October 1990
Saint Kitts and Nevis	25 May 1990
Saint Lucia	7 November 1987
Sierra Leone	11 December 1993
Togo	26 October 1988
C. Third periodic reports	
Bhutan	30 September 1990
Brazil	2 March 1993
Cape Verde	3 September 1990
Congo	25 August 1991
Cyprus	22 August 1994
Dominica	3 September 1990
El Salvador	18 September 1990
Gabon	20 February 1992
Guatemala	11 September 1991
Guinea	8 September 1991
Guinea-Bissau	22 September 1994
Guyana	3 September 1990
Haiti	3 September 1990
Kenya	8 April 1993
Lao People's Democratic Republic	13 September 1990

State party	Date due
Liberia	16 August 1993
Mali	10 October 1994
Mauritius	8 August 1993
Saint Kitts and Nevis	25 May 1994
Saint Lucia	7 November 1991
Senegal	7 March 1994
Sri Lanka	4 November 1990
Togo	26 October 1992
Tunisia	20 October 1994
Uganda	21 August 1994
Viet Nam	19 March 1991
D. Fourth periodic reports	
Belarus	3 September 1994
Bhutan	30 September 1994
Cape Verde	3 September 1994
Dominica	3 September 1994
Ecuador	9 December 1994
Egypt	18 October 1994
El Salvador	18 September 1994
Ethiopia	10 October 1994
Guyana	3 September 1994
Haiti	3 September 1994
Hungary	3 September 1994
Lao People's Democratic Republic	13 September 1994
Panama	28 November 1994
Poland	3 September 1994
Rwanda	3 September 1994
Saint Vincent and the Grenadines	3 September 1994
Uruguay	8 November 1994

Annex II

States parties whose reports have been submitted but have not yet been considered by the Committee

State party	Date due	Date received	Document symbol
A. Initial reports			
Cameroon	22 September 1995	9 May 1999	CEDAW/C/CMR/1
Lithuania[a,b]	17 February 1995	4 June 1998	CEDAW/C/LTU/1
Maldives[b]	1 July 1994	28 January 1999	CEDAW/C/MDV/1
Republic of Moldova[b]	3 July 1995	26 October 1998	CEDAW/C/MDA/1
Singapore	4 November 1996	1 December 1999	CEDAW/C/SGP/1
B. Second periodic reports			
Equatorial Guinea[a]	22 November 1989	6 January 1994	CEDAW/C/GNQ/2-3
Guyana	3 September 1986	20 September 1999	CEDAW/C/GUY/2
Iraq[b]	12 September 1991	13 October 1998	CEDAW/C/IRQ/2-3
Jamaica	18 November 1989	17 February 1998	CEDAW/C/JAM/2-4
Libyan Arab Jamahiriya	15 June 1994	14 December 1998	CEDAW/C/LBY/2
Netherlands	22 August 1996	10 December 1998	CEDAW/C/NET CEDAW/C/NET/2/Add. 1 and 2
Slovenia	5 August 1999	26 April 1999	CEDAW/C/SVN/2
Uruguay	8 November 1986	3 February 1998	CEDAW/C/URY/2-3
Viet Nam	19 March 1987	February 1999	CEDAW/C/VNM/2
C. Third periodic reports			
Austria[a,b]	30 April 1991	25 April 1997	CEDAW/C/AUT/3-4
Belgium	9 August 1994	29 October 1998	CEDAW/C/BEL/3-4
Egypt	18 October 1990	30 January 1996	CEDAW/C/EGY/3
Equatorial Guinea[a]	22 November 1993	6 January 1994	CEDAW/C/GNQ/2-3
Finland	4 October 1995	28 January 1997	CEDAW/C/FIN/3
France	13 January 1993	5 October 1999	CEDAW/C/FRA/3
Iceland	3 July 1994	15 July 1998	CEDAW/C/ICE/3-4
Iraq[b]	12 September 1995	13 October 1998	CEDAW/C/IRQ/2-3
Jamaica	18 November 1993	17 February 1998	CEDAW/C/JAM/2-4
Mongolia	3 September 1990	8 December 1998	CEDAW/C/MNG/3-4
Sri Lanka	4 November 1990	7 October 1999	CEDAW/C/LKA/3-4
Uruguay	8 November 1990	3 February 1998	CEDAW/C/URY/2-3
Yugoslavia	28 March 1991	14 October 1998	CEDAW/C/YUG/3
Zambia	21 July 1994	12 August 1999	CEDAW/C/ZAM/3-4

State party	Date due	Date received	Document symbol
D. Fourth periodic reports			
Austria[a,b]	30 April 1995	25 April 1997	CEDAW/C/AUT/3-4
Belgium	9 August 1994	29 October 1998	CEDAW/C/BEL/3-4
Cuba[b]	3 September 1994	27 September 1999	CEDAW/C/CUB/4
Denmark[a]	21 May 1996	9 January 1997	CEDAW/C/DEN/4
Finland	4 October 1999	23 November 1999	CEDAW/C/FIN/4
Iceland	3 July 1998	15 July 1998	CEDAW/C/ICE/3-4
Jamaica	18 November 1997	17 February 1998	CEDAW/C/JAM/2-4
Japan	25 July 1998	24 July 1998	CEDAW/C/JPN/4
Mongolia	3 September 1994	8 December 1998	CEDAW/C/MNG/3-4
Nicaragua	26 November 1994	16 June 1998	CEDAW/C/NIC/4
Romania[b]	6 February 1995	10 December 1998	CEDAW/C/ROM/4-5
Sri Lanka	4 November 1994	7 October 1999	CEDAW/C/LKA/3-4
Ukraine	3 September 1998	2 August 1999	CEDAW/C/UKR/4-5
Sweden[a,b]	3 September 1994	21 May 1996	CEDAW/C/SWE/4
Zambia	21 July 1998	12 August 1999	CEDAW/C/ZAM/3-4
E. Fifth periodic reports			
Austria[b]	30 April 1999	20 September 1999	CEDAW/C/AUT/5
Nicaragua	29 November 1998	2 September 1999	CEDAW/C/NIC/5
Romania	6 February 1995	10 December 1998	CEDAW/C/ROM/4-5
Russian Federation	3 September 1998	3 March 1999	CEDAW/C/USR/5
Ukraine	3 September 1998	2 August 1999	CEDAW/C/UKR/4-5

[a] Report has been translated, reproduced and made available in all official languages.

[b] Report to be considered by the Committee at its twenty-third session, to be held in New York in January 2000.

Annex III

States parties that have deposited with the Secretary-General instruments of the acceptance of the amendment to article 20, paragraph 1, of the Convention

States parties	Acceptance date
Australia	4 June 1998
Brazil	5 March 1997
Canada	3 November 1997
Chile	8 May 1998
Denmark	12 March 1996
Finland	18 March 1996
France	8 August 1997
Guatemala	3 June 1999
Italy	31 May 1996
Liechtenstein	15 April 1997
Madagascar	19 July 1996
Malta	5 March 1997
Mexico	16 September 1996
Mongolia	19 December 1997
Netherlands	10 December 1997[a]
New Zealand	26 September 1996
Norway	29 March 1996
Republic of Korea	12 August 1996
Panama	5 November 1996
Sweden	17 July 1996
Switzerland	2 December 1997
Turkey	9 December 1999
United Kingdom	19 November 1997[b]

[a] For the Kingdom in Europe, the Netherlands Antilles and Aruba.

[b] For the United Kingdom of Great Britain and Northern Ireland, the Isle of Man, the British Virgin Islands, and the Turks and Caicos Islands.

Annex IV

States that have not ratified or acceded to the Convention

Africa	Mauritania
	Sao Tome and Principe
	Somalia
	Sudan
	Swaziland
Asia and the Pacific	Afghanistan
	Brunei Darussalam
	Democratic People's Republic of Korea
	Iran (Islamic Republic of)
	Kiribati
	Marshall Islands
	Micronesia (Federated States of)
	Nauru
	Palau
	Tonga
Western Asia	Bahrain
	Oman
	Qatar
	Saudi Arabia
	United Arab Emirates
Western Europe and Other	Monaco
	San Marino
	United States of America
	Holy See

United Nations CEDAW/C/2000/I/5

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Committee on the Elimination of Discrimination against Women
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17 January-4 February 2000
Item 6 of the provisional agenda*
Ways and means of expediting the work of the Committee

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women

Report of the Secretariat

Contents

		Paragraphs	Page
I.	Introduction	1–2	3
II.	Comparative analysis of the Optional Protocol with existing communications and inquiry mechanisms	3–32	3
	A. Communications procedure	5–24	3
	1. Articles 1 and 2 (Competence of the Committee and standing)	6–10	3
	2. Articles 3 and 4 (Admissibility of communications)	11–17	4
	3. Article 5 (Interim measures)	18	5
	4. Article 6 (Reference of communications to a State party)	19–20	5
	5. Article 7 (Consideration of communications)	21–24	5
	B. Inquiry procedure	25–27	6
	C. General provisions	28–32	6

* CEDAW/C/2000/I/1.

00-21993 (E) 130100

III. Procedures employed by existing treaty-based communications and inquiry procedures 33–63 7

A. Treaty-based communications procedures 33–58 7

1. Admissibility stage 36–37 7

2. Working groups 38–41 7

3. Proceedings on the merits 42–45 8

4. Joinder of admissibility and merits 46 8

5. Procedures 47–51 8

6. Views and follow-up 52–56 9

7. Meeting time 57–58 10

B. Treaty-based inquiry procedures 59–63 10

Annex

Comparative chart of individual communications and inquiry procedures under international human rights instruments 12

I. Introduction

1. The Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women was adopted by the General Assembly in its resolution 54/4 of 6 October 1999. In accordance with its article 15, the Optional Protocol was opened for signature, ratification and accession on 10 December 1999. Twenty-three States parties signed the Optional Protocol on 10 December 1999 and one State party signed it subsequently. It will enter into force one month after the receipt of the tenth instrument of ratification or accession.

2. At its twenty-first session, the Committee on the Elimination of Discrimination against Women requested the Secretariat to provide it with a substantive comparative analysis of the Optional Protocol to the Convention with existing United Nations treaty-based communications and inquiry mechanisms. It also requested the Secretariat to provide it with information on procedures employed with regard to existing treaty-based communications and inquiry mechanisms. The present report has been prepared in response to those requests.

II. Comparative analysis of the Optional Protocol with existing communications and inquiry mechanisms

3. Two procedures are established by the Optional Protocol to the Convention: a communications procedure and an inquiry procedure. In the present report, the articles of the Optional Protocol are compared with provisions of four international human rights instruments whose procedures are similar to those in the Optional Protocol: the First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR),[1] articles 20 and 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT),[2] article 14 of the International Convention on the Elimination of All Forms of Racial Discrimination (CERD),[3] and article 77 of the International Convention on the Protection of the Rights of All Migrant Workers and Their Families (MWC).[4] Reference is also made, where applicable, to the rules of procedure and practice of the respective treaty bodies and the report of the Secretary-General containing a comparative summary of existing communications and inquiry procedures and practices under international human rights instruments and under the Charter of the United Nations (E/CN.6/1997/4).

4. A comparative chart of individual communications and inquiry procedures under international human rights instruments is contained in the annex.

A. Communications procedure

5. Articles 1-7 of the Optional Protocol concern the communications procedure, with articles 1 and 2 addressing the competence of the Committee and those who have the right to submit communications, or "standing".

1. Articles 1 and 2 (Competence of the Committee and standing)

6. Article 1 of the Optional Protocol is comparable to the first part of article 1 of the ICCPR First Optional Protocol. In both cases, the communications procedure is contained in a separate instrument — a procedural protocol — whereas in the case of CERD, CAT and MWC, the communications procedure is part of the main instrument, with States parties to the instrument being required to recognize the relevant treaty body's competence to receive and consider communications through a declaration, rather than via ratification or accession.

7. Unlike the ICCPR First Optional Protocol, CAT and MWC, article 1 of the Optional Protocol does not explicitly state that only States parties to the Convention may become States parties to the Optional Protocol but refers simply to States parties to the present Protocol. The procedure for becoming a State party is covered in article 15 of the Protocol, which has an equivalent in article 8 of the ICCPR First Optional Protocol. The final element of article 1 of the Optional Protocol concerning the submission of communications "in accordance with article 2" has an equivalent in the first clause of article 2 of the ICCPR First Optional Protocol, which provides that the right to submit communications is subject to the provisions of article 1.

8. Article 2 of the Optional Protocol addresses the question of standing and the requirement that complainants claim a violation of any of the rights set forth in the Convention. It provides that communications may be submitted by or on behalf of individuals or groups of individuals under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. It also provides that where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without their consent.

9. All four comparable instruments specify that communications may be submitted by individuals; CERD extends this right to "groups of individuals" and CAT and MWC provide that communications may also be submitted "on behalf of individuals".[5]

10. The rules of procedure and practice of the Human Rights Committee, the Committee against Torture and the Committee on the Elimination of Racial Discrimination have clarified the circumstances in which claims may be brought by victim(s) or on their behalf, under the various instruments.[6] None of the existing procedures contain explicit provisions concerning circumstances in which communications may be submitted on behalf of individuals or groups of individuals. However, the rules of procedure and practice of the treaty bodies indicate that alleged victims may be represented by duly designated representatives. In instances where alleged victims appear to be unable to submit a communication or to duly designate a representative, treaty bodies have accepted communications on behalf of victims but have required the author to justify acting on their behalf.[7]

2. Articles 3 and 4 (Admissibility of communications)

11. Article 3 of the Optional Protocol provides that communications must be in writing and must not be anonymous. The criterion of non-anonymity is expressly contained in all other instruments,[8] but only the ICCPR First Optional Protocol explicitly provides that communications must be in written form.[9] Article 3 of the Optional Protocol also contains a provision common to all other instruments, namely that no communication shall be received if it concerns a State party to the Convention which is not a State party to the Optional Protocol or which has not declared that it has accepted the communications procedure.[10] Communications which fail to meet these criteria of admissibility are prima facie inadmissible and not brought to the attention of the State party concerned.

12. Article 4 contains several admissibility criteria, several of which render communications prima facie inadmissible, while others require consideration and decision by the Committee before a communication moves to a consideration of the merits and decision with respect to those merits.

13. Article 4.1, which states that the Committee "shall not consider any communication ... unless it has ascertained that all available domestic remedies have been exhausted" has equivalents in each comparable instrument.[11] Other instruments also provide for exceptions to this rule, with the ICCPR First Optional Protocol, CAT, CERD and MWC providing that this rule shall not apply where the application of the remedies is unreasonably prolonged and CAT and MWC also providing that the rule shall not apply where the application of the remedies is unlikely to bring effective relief.[12] The formulation of article 4.1 envisages the Committee's active assessment of whether the information available justifies the examination of a communication on its merits.

14. Article 4.2 indicates that the Committee shall declare a communication inadmissible in five circumstances, as follows: the same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement; the matter is incompatible with the provisions of the Convention; the matter is manifestly ill-founded or not sufficiently substantiated; the matter is an abuse of the right to submit a communication; or the facts that are the subject of the communication occurred prior to the entry into force of the Optional Protocol for the State Party, unless those facts continued after that date.

15. The first, second and fourth of these criteria are explicitly addressed in the other four treaties. Thus, the ICCPR First Optional Protocol, CAT and MWC incorporate an admissibility criterion which aims to avoid duplication of procedures by declaring inadmissible communications where the same matter has been examined previously under another procedure of international investigation or settlement. Existing instruments declare that a communication shall not be considered by the Committee unless it has ascertained that "the same matter is not being examined under another procedure of international investigation or settlement".[13] CAT and MWC also provide for inadmissibility when the same matter has been examined by another procedure. Equivalent provisions to article 4.2(b) and (d) also appear in the ICCPR First Optional Protocol, CAT and MWC.[14]

16. Comparable instruments do not include provisions establishing inadmissibility where the communication is manifestly ill-founded or not sufficiently substantiated. However, insufficient substantiation is addressed in the rules of procedure of the Human Rights Committee, with rule 90(b) requiring that a claim be submitted "in a manner sufficiently substantiated".[15] The Human Rights Committee does not require the author of the communication to prove the alleged violation at this stage, but she or he must submit sufficient evidence substantiating the allegation for the purposes of admissibility.[16] Where a claim is not substantiated for the purposes of admissibility, the Human Rights Committee has held communications inadmissible under rule 90.

17. Equivalent provisions to article 4.2(e) of the Optional Protocol, which renders inadmissible communications relying on facts occurring prior to the entry into force of the Optional Protocol for the State party concerned unless those facts continued after that date, are not contained in comparable instruments. The current practice of the Human Rights Committee is, however, to declare inadmissible such communications, unless the events in question have, since the entry into force of the ICCPR First Optional Protocol, had persistent effects which in themselves constitute violations of the Covenant.[17]

3. Article 5 (Interim measures)

18. Article 5 of the Optional Protocol addresses interim measures which may be recommended or requested by the Committee at any time between the receipt of a communication and a determination on the merits. Such interim measures are not included in the body of the instrument establishing similar procedures, but they are provided for in the rules of procedure and utilized in practice.[18]

4. Article 6 (Reference of communications to a State party)

19. Article 6.1 deals with the presentation of a communication to the State party concerned for comments. Under comparable procedures, communications are brought to the attention of the State party concerned except in cases where they are prima facie inadmissible.[19] Article 6.1, on the other hand, provides grounds that govern the criteria to be applied by the Committee in its decision not to refer a communication to the State party. Article 6.1 indicates that the communication must be brought to the attention of the State party *confidentially*. Only the CERD has a similar requirement. Notably, rule 96 of the Human Rights Committee provides that the author of a communication and the State party concerned may make public any submissions or information bearing on the proceedings unless the Committee has requested the parties to respect confidentiality. It is to be noted that all working documents issued for the Committee are confidential unless the Committee decides otherwise. The final decisions of the Committees on admissibility, decisions to discontinue a communication and views are made public and the name(s) of the author(s) is (are) disclosed unless the Committee decides otherwise.[20]

20. Article 6.2 of the Optional Protocol establishes the time-frame in which a State party is requested to provide information to the Committee, including any remedies taken. Similar provisions exist in comparable instruments, with the first Optional Protocol, CAT and MWC providing the same six-month period and the CERD a three-month time-frame for replies.[21]

5. Article 7 (Consideration of communications)

21. Similar formulations to article 7.1 of the Optional Protocol, which provides that the Committee shall consider a communication in the light of information made available to it by the claimant(s) and the State party, appear in comparable instruments. The option that information be submitted to the Committee by or on behalf of the claimant(s) has an equivalent in CAT and MWC.[22] Information available to Committees in the consideration of communications is outlined in the comparative summary.[23] If it so wishes, either party may make information prepared by third parties part of its own submission.

22. Article 7.2 of the Optional Protocol, requiring the Committee to hold closed meetings when examining communications, has an equivalent in all comparable instruments,[24] as does article 7.3, which requires the Committee, after examining a communication, to transmit its views on the communication, together with its recommendations to the parties concerned.[25] Such views commonly contain recommendations of remedies a State party is expected to take.[26]

23. Article 7.4 of the Optional Protocol, requiring the State party to give due consideration to the views of the Committee, together with its recommendations, if any, and to submit to the Committee within six months a written response, including information on any action taken in the light of views and recommendations of the Committee, has no equivalent in comparable instruments. However, the practice of treaty bodies in regard to communications is to ask a State party to take appropriate steps to remedy a violation, for example by providing adequate compensation for the violations found by the Committee. A time-frame within which the Committees wish to receive information from the State party about measures taken to give effect to the Committees' recommendations is also provided. The Human Rights Committee actively monitors compliance through its follow-up procedure via the mechanism of the Special Rapporteur for the follow-up of views, which enables the Committee to evaluate State party compliance with its views. The Special Rapporteur is called on to ascertain "the measures taken by States parties to give effect to the Committee's views" (rule 95). The Special Rapporteur systematically requests follow-up information in respect of all views where a violation of the Covenant has been

discerned, and information on the Committee's follow-up activities is included in its annual report.

24. There is no equivalent to article 7.5 of the Optional Protocol, which provides that the Committee may invite the State party to submit further information about any measures it has taken in response to the Committee's views or recommendations in the State party's subsequent reports under article 18 of the Convention in comparable instruments.

B. Inquiry procedure

25. Articles 8, 9 and 10 of the Optional Protocol establish the inquiry procedure. This procedure is comparable to that established under article 20 of CAT, although there are differences in the language of the instruments. Thus, while article 8.1 of the Optional Protocol provides that an inquiry procedure can be initiated by the Committee where it receives reliable information indicating "grave or systematic violations", article 20.1 of CAT provides for an inquiry if the Committee receives reliable information "which appears to it to contain well-founded indications that torture is being systematically practised" in the territory of a State party. Minor differences exist between the language in articles 8.2 of the Optional Protocol and 20.2 of CAT, between the final phrase of article 8.2 of the Optional Protocol and article 20.3 of CAT, articles 8.3 of the Optional Protocol and 20.4 of CAT, and articles 8.5 of the Optional Protocol and 20.5 of CAT, and the possibility of the inclusion of a summary account of the results of inquiry proceedings envisaged in article 20.5 of CAT is provided for in article 12 of the Optional Protocol. While there is no equivalent of article 8.4 of the Optional Protocol, which foresees the submission, after the Committee's issuance of its findings, of the State party's observations to the Committee, rules 83.1 and 83.2 of the CAT rules of procedure deal with the transmission of the Committee's findings to the State party and provide that the State party concerned shall be invited to inform the Committee of the action it takes with regard to the Committee's findings and in response to the Committee's comments or suggestions.[27]

26. Article 9 of the Optional Protocol, providing for the Committee to request details of measures taken in response to an inquiry conducted under article 8 of the Optional Protocol in its report under article 18 of the Convention and allowing the Committee to invite the State party concerned to inform it of the measures taken in response to an inquiry, has no equivalent in CAT or its rules of procedure.

27. The equivalent of article 10 of the Optional Protocol, allowing each State party at the time of signature or ratification or accession to the Optional Protocol to declare that it does not recognize the competence of the Committee provided for in articles 8 and 9 and providing for the withdrawal of such a declaration, exists in article 28 of CAT.

C. General provisions

28. The remaining provisions of the Optional Protocol relate to both the communications and inquiry procedures.

29. Article 11 of the Optional Protocol, requiring a State party to take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill-treatment or intimidation as a consequence of communicating with the Committee pursuant to the Optional Protocol, has no equivalent in comparable instruments. Similarly, article 13 of the Optional Protocol, whereby each State party undertakes to make widely known and to give publicity to the Convention and the Optional Protocol and facilitate access to information about the views and recommendations of the Committee, in particular on matters involving that State party, has no equivalent.

30. Again, article 14, referring to the Committee's power to develop its own rules of procedure to be followed when exercising the functions conferred on it by the Optional Protocol, has no equivalent. In this regard, ICCPR, CAT, CERD and MWC refer to the power of the treaty bodies to establish their own rules of procedure.[28] The first Optional Protocol does not include a provision empowering the Committee to establish its rules of procedure when acting under the Optional Protocol, but it should be noted that the Covenant and the first Optional Protocol were adopted simultaneously and opened for signature, ratification and accession through the same resolution of the General Assembly.[29] The Convention on the Elimination of All Forms of Discrimination against Women, which includes a provision conferring power on the Committee to establish its own rules of procedure,[30] has been in force since 1981.

31. Article 17 of the Optional Protocol, providing that no reservations to the Optional Protocol shall be permitted, has no equivalent in comparable instruments.

32. Equivalent provisions to the provisions of the Optional Protocol relating to the Committee's report on its activities under the Optional Protocol (article 12), the ratification procedure (article 15), entry into force (article 16), amendment (article 18), denunciation (article 19) and the depositary functions of the Secretary-General can be found

in comparable instruments. A comparative chart of individual communications and inquiry procedures under international human rights instruments, providing details of these provisions, is contained in the annex.

III. Procedures employed by existing treaty-based communications and inquiry procedures

A. Treaty-based communications procedures

33. The rules of procedure of the three treaty bodies with active communications procedures request the Secretary-General to maintain a permanent register of all communications received under each instrument.[31] These registers serve as a working tool of the secretariats of the treaty bodies, helping to ensure that all communications are accounted for and attended to under the appropriate communications procedure, as well as avoiding duplication of consideration. Members of the human rights treaty bodies concerned are free to consult the registers if they so wish, but they are not made accessible to others.

34. Procedures employed with regard to these mechanisms are based on cooperative roles for the relevant Committee and the secretariat of that Committee. Many communications fail to meet prima facie admissibility criteria. Communications which relate to States which are not parties to the particular treaty under consideration or which concern States parties to those treaties which have not expressly accepted their communications procedures are not registered as received by treaty bodies. Similarly, communications which are anonymous are not registered. Communications which are patently non-viable are also not registered, although they are acknowledged by the secretariat, which provides an explanation to authors as to why the communication cannot be considered under the procedures.

35. Many communications fail to include the necessary details which permit meaningful consideration by the treaty body. Information about the facts may be incomplete, or there may be limited or no information relevant to the admissibility criteria of communications, such as steps taken to exhaust domestic remedies, or to have the same matter examined under another procedure of international investigation or settlement. In such cases, the secretariat will address what is referred to as a "contact letter" to the complainant. This letter will explain the nature of the procedure and advise the complainant of further information required, both with regard to admissibility and substance, before the case can be registered.

1. Admissibility stage

36. The procedures of each treaty body with respect to registered communications is dependent upon the way the particular treaty body has organized its work. The first stage after a communication is registered and submitted to the treaty body is the determination of its admissibility which is determined in the light of the formal admissibility criteria that must be fulfilled in order to enable an expert body to receive and consider a communication. If any of these criteria is not met, a communication is declared inadmissible on procedural grounds and no consideration of the merits occurs.

37. As for the Optional Protocol, comparable procedures establish that any communication is to be brought to the attention of the State party.[32] The rules of procedure of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee against Torture provide that a communication may not be declared admissible unless the State party concerned has received the text of the communication and has been given an opportunity to furnish information or observations relevant to the question of admissibility, including in regard to exhaustion of domestic remedies.[33] To reach a decision on admissibility, a Committee may request that the author provide additional information or clarifications relevant to the question of admissibility.[34] The rules of procedure provide that the treaty bodies may, in the pre-admissibility stage, set time limits for the submission of such additional information, clarifications and observations "with a view to avoiding undue delay".[35] If the deadlines are not kept either by the State party or by the author, the treaty body may decide the question of admissibility in light of available information.[36]

2. Working groups

38. The rules of procedure of the treaty bodies provide for the establishment of working groups to assist the respective treaty body in expediting its mandate in that regard. All three treaty bodies have established working groups for the purpose of making "recommendations to the Committee regarding the fulfilment of the conditions of admissibility laid down" in the respective instrument.[37] Once a decision on admissibility has been taken, the treaty body may again refer the matter to a working group or, in the case of the Human Rights Committee, a special rapporteur,[38] for assistance and to make recommendations to the treaty body. Opinions or views on the merits of a communication are

always adopted by the treaty body as a whole. In each case, working groups are composed of not more than five members. They elect their own officers, develop their own working methods and apply as far as possible the rules of procedure of the related treaty body.[39]

39. In the practice of the Human Rights Committee, its Working Group on communications meets for one week immediately prior to the session of the Committee. It is authorized to adopt decisions declaring communications admissible when all five members agree, otherwise the matter is referred to the Committee. In any case, the Working Group may refer a decision on admissibility to the Committee. Decisions declaring communications inadmissible are to be taken only by the Committee, but the Working Group may make recommendations to the Committee in that respect.[40] The Committee on the Elimination of Racial Discrimination and the Committee against Torture have not yet set up pre-sessional working groups for this purpose.

40. In addition to providing for working groups to assist the Committees with regard to communications at the admissibility stage and during consideration of the merits, the rules of procedure of those treaty bodies allow the treaty body to designate special rapporteurs from among their members to assist in the conduct of communications.[41] It is the practice of the Human Rights Committee to designate a special rapporteur on communications, who is called upon to process communications as they are received, including between sessions of the Committee. The duties of the special rapporteur include the transmission of new communications to the State party requesting information or observations relevant to the question of admissibility. The special rapporteur may make recommendations to the Committee to declare communications inadmissible without forwarding it to the State party. The special rapporteur may also issue requests for interim measures. The Committee against Torture appoints a special rapporteur in every new case, while the Committee on the Elimination of Racial Discrimination has not yet designated special rapporteurs to assist with communications.

41. Decisions declaring a communication inadmissible can be reconsidered at the written request of the complainant where such a request provides additional information relevant to the admissibility of a communication.[42] Decisions on admissibility can also be reviewed or revoked during the proceedings on the merits in the light of any explanation a State party may provide, and after the complainant is afforded the opportunity of submitting additional information.[43]

3. Proceedings on the merits

42. The second stage in the consideration of a communication is the proceedings on the merits of the case, which is reached only after communications have been declared admissible. This stage involves the Committee, the State party against which the communication has been brought and the complainant.

43. The decision declaring the communication admissible is communicated to the State party and the author of the complaint. The State Party is requested to submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, which may have been taken by the State within a stated time limit. According to their rules of procedure, the Committee on the Elimination of Racial Discrimination and the Committee against Torture may indicate, if necessary, the type of information they wish to receive from the State party concerned.[44]

44. The rules of procedure of the treaty bodies establish that information submitted by the State party in accordance with the respective treaty's provisions is to be transmitted to the author of the communication, who may submit any additional written information or observations within a time limit specified by the treaty body.[45]

45. The consideration of a communication on the merits occurs in the light of all information made available by the State party and the complainant. In the practice of the treaty bodies, all information submitted by the concerned parties in the context of a specific communication or requested by the treaty body is made available to both parties.[46]

4. Joinder of admissibility and merits

46. While the two stages of consideration of a communication — admissibility and consideration of merits — are usually kept separate, in 1995 the Human Rights Committee decided that it would join the consideration of these two stages when both parties consented and the Committee considered it appropriate.[47] After several years' practice of joining consideration of admissibility and consideration of merits, the Human Rights Committee decided at its sixtieth session, in 1997, that it would join consideration of these stages in all cases. It amended its rules of procedure accordingly.[48]

5. Procedures

47. Consideration of communications under all procedures under review takes place in closed meetings.[49] Meetings of working groups are also closed, although the rules of procedure of all three treaty bodies provide that the treaty

body may issue communiqués for the use of the information media and the general public regarding the activities of the body at the closed meetings.[50]

48. The procedure under the ICCPR First Optional Protocol at all stages is exclusively of a written nature. While the proceedings before the Committee on the Elimination of Racial Discrimination and the Committee against Torture are also of a written nature, the rules of procedure of the Committee on Racial Discrimination establish that during the proceedings on the merits of a communication, "the Committee may invite the presence of the petitioner or his representative and the presence of representatives of the State party concerned in order to provide additional information or to answer questions on the merits of the communication".[51] Similarly, the rules of procedure of the Committee against Torture state that the Committee "may invite the author of the communication or his representatives and representatives of the State party concerned to be present at a specified closed meeting of the Committee in order to provide further clarifications or to answer questions on the merits of the communication".[52] Neither of these rules has been applied.

49. In general, only information provided by the parties concerned can be used by the Committees in determining admissibility and reaching a decision on the merits of the case.[53] In their rules of procedure, the Committees provide a role for the Secretary-General in requesting clarifications from the author(s) during the admissibility stage.[54] The rules of procedure of the Committee against Torture and the Committee on the Elimination of Racial Discrimination include an additional provision enabling these treaty bodies to obtain, through the Secretary-General, from United Nations bodies or the specialized agencies at any time in the course of the examination, any documentation that may assist in the disposal of the case.[55]

50. Under rule 96 of the Human Rights Committee, the author of a communication and the State party are entitled to make public any submissions or information bearing on the proceedings unless the Committee has requested the parties to respect confidentiality. All working documents issued for the Committee are confidential unless the Committee decides otherwise. The Committee's final decisions (views, decisions declaring a communication inadmissible, decisions to discontinue a communication) are made public. Decisions declaring a communication admissible are not made public. The name(s) of the author(s) is (are) disclosed unless the Committee decides otherwise.

51. The practice of the Committee on the Elimination of Racial Discrimination is that all documents relating to its work under article 14 are confidential.[56]

6. Views and follow-up

52. The third stage in the consideration of a communication is the adoption by the treaty body of its decision or views on a complaint. As with the Optional Protocol, all comparable procedures provide that the treaty body shall forward its views/suggestions and recommendations, if any, to the State party concerned and to the petitioner.[57] After having made a finding of a violation, the treaty bodies usually ask the State party to take appropriate steps to remedy the violation. Depending on the case, these steps may be limited to recommendations that a State party provide an "appropriate remedy" or they may be more specific, such as recommending the review of policies or the repeal of a law, the payment of compensation or the prevention of future violations.

53. The rules of procedure of the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and the Committee against Torture provide that any member of the treaty body may request that an individual concurring or dissenting opinion be appended to the views of the Committee. Individual opinions may also be appended to Human Rights Committee decisions declaring communications inadmissible.

54. The last stage in the communications procedure consists of the follow-up phase. Although not addressed in the instruments, all treaty bodies have developed a practice of following up on decisions taken with regard to a specific communication. The rules of procedure of the Committee on the Elimination of Racial Discrimination establish that "the State party concerned shall be invited to inform the Committee in due course of the action it takes in conformity with the Committee's suggestions and recommendations".[58] The rules of procedure of CAT establish a similar rule.[59] Depending on the decision, a Committee may set a time limit for the receipt of information on action by the State party.

56. In 1990, the Human Rights Committee established a procedure for the follow-up of its views under article 5.4 of the ICCPR First Optional Protocol. First, the Committee's decision identifies a time limit for the receipt of information with regard to action taken by the State party in response to the Committee's views. This period is usually 90 days. Second, in accordance with its rule 95, the Committee designates a special rapporteur for the follow-up on views. The special rapporteur requests written information from the State party and informs the Committee accordingly. The

special rapporteur may also undertake follow-up missions to a State party. Action or inaction with regard to the Committee's views are reported in its annual report.

7. Meeting time

57. The treaty bodies allocate a certain number of meetings of their currently mandated regular annual meeting time for their work with regard to communications. Out of a total of nine weeks' annual meeting time, the Human Rights Committee allocates on average 18 to 24 meetings annually to deal with communications. Its Working Group on Communications, which assists the Committee in handling communications, meets three times a year for a total of three weeks annually.

58. The Committee on the Elimination of Racial Discrimination allocates on average two to three meetings annually out of its six weeks' annual meeting time for its work under article 14. The Committee against Torture allocates on average 8 to 12 meetings annually for consideration of communications under article 22 of a total of four weeks' meeting time.

B. Treaty-based inquiry procedures

59. The inquiry procedure established in article 8 of the Optional Protocol will be initiated by the Committee itself. In accordance with rule 69 of the rules of procedure of CAT, the only international human rights treaty body whose treaty empowers it to conduct inquiries, "information which is, or appears to be, submitted for the Committee's consideration under article 20.1 is brought to the Committee's attention by the Secretary-General of the United Nations". This allows for the submission of information by individuals, groups, non-governmental organizations or other entities. In practice, it is primarily non-governmental organizations that submit information which might initiate an inquiry.

60. On the basis of the information received and the observations sought thereon from the State party, as well as any information available to it, CAT may decide to conduct a confidential inquiry. The Committee designates one or more of its members to proceed and report to it urgently. If the Committee decides to embark on an examination on the basis of this report, it seeks the cooperation of the State party. An inquiry may proceed without the cooperation of the State party, but a visit to its territory in the course of an inquiry requires the State party's agreement.

61. The findings of the Committee as a whole, and any comments and suggestions it may have, are transmitted to the State party. The Committee may include a summary of the results of its proceedings in its annual report. Such inclusion is preceded by consultations with the State party, but the final decision is that of the Committee.

62. The inquiry procedure is confidential at all stages. Meetings held in the exercise of the Committee's functions under article 20 are closed; all documents relating to the proceedings are confidential, as are any hearings which may be held in the conduct of an inquiry or assistance received during an inquiry. The only public statement results from the Committee's decision on the publication of its findings and any press communiqués the Committee may issue concerning proceedings in accordance with article 20, as well as the inclusion of a general summary of activities under article 20 in the Committee's annual report.

63. To date, the Committee has allocated just under four meetings to its activities under article 20 at each of its sessions. After consultations in accordance with article 20.5, it has publicly announced the results of its proceedings relating to inquiries relating to States parties to the Convention.[60]

Notes

[1] General Assembly resolution 2200 A (XXI), annex.

[2] General Assembly resolution 39/46, annex.

[3] General Assembly resolution 2106 A (XX) annex.

[4] General Assembly resolution 45/158, annex; the Convention requires eight further ratifications or accessions before it enters into force.

[5] See art. 1 of the ICCPR First Optional Protocol; art. 22.1 of CAT; art. 14.1 of CERD; and art. 77.1 of MWC.

[6] See E/CN.6/1997/4, paras. 44-48; the rules of procedure of the Human Rights Committee are contained in document CCPR/C/Rev.5, the rules of procedure of the Committee against Torture in document CAT/C/3/Rev.1, with further amendments in documents A/50/44, annex VI, and A/51/44, annex VI, and the rules of procedure of the Committee on the Elimination of Discrimination against Women in document CERD/C/35/Rev.3, with further amendments in document A/48/18, annex V.

[7] See E/CN.6/1997/4, paras. 47 and 48.

[8] See art. 3 of the ICCPR First Optional Protocol; art. 22.2 of CAT; art. 14.6(a) of CERD; and art. 77.2 of MWC.

[9] See art. 2 of the ICCPR First Optional Protocol.

[10] See art. 1 of the ICCPR First Optional Protocol, art. 22.1 of CAT, art. 14.1 of CERD; and art. 77.1 of MWC.

[11] See arts. 2 and 5.2 of the ICCPR First Optional Protocol; art. 22.5 of CAT; art. 14.7(1) of CERD; and art. 77.3 of MWC.

[12] See art. 5.2(b) of the ICCPR First Optional Protocol, art. 22.5 of CAT; art. 14.7(a) of CERD; art 77.3 of MWC; and E/CN.6/1997/4, paras. 28 and 29.

[13] See art. 5.2(a) of the ICCPR First Optional Protocol, art. 22.5 of CAT; and art. 77.3(a) of MWC.

[14] See art. 3 of the ICCPR First Optional Protocol, art. 22.2 of CAT; and art. 77.2 of MWC.

[15] See CCPR/C/3/Rev.5.

[16] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 40* (A/52/40), vol. I, paras. 478 and 479.

[17] Ibid., para. 483; see also E/CN.6/1997/4, paras. 32-35.

[18] See E/CN.6/1997/4, paras. 67-70.

[19] See art. 4.1 of the ICCPR First Optional Protocol; art 22.3 of CAT; art. 14(6)(a) of CERD; art. 77.4 of MWC; and E/CN.6/1997/4, paras. 42 and 43.

[20] See *Official Records of the General Assembly, Fifty-second Session, Supplement No. 40* (A/52/40), vol. I, para. 454.

[21] See art. 4.2 of the ICCPR First Optional Protocol; art. 22.3 of CAT; art. 14.6(b) of CERD; and art. 77.4 of MWC.

[22] See art. 5.1 of the ICCPR First Optional Protocol; art. 22.4 of CAT; art. 14.7(a) of CERD; and art. 77.5 of MWC.

[23] See E/CN.6/1997/4, paras. 85-88.

[24] See art. 5.3 of the ICCPR First Optional Protocol; art. 22.6 of CAT; and art. 77.6 of MWC.

[25] See art. 5.4 of the ICCPR First Optional Protocol; art. 22.7 of CAT; art. 14.7(b) of CERD; and art. 77.7 of MWC.

[26] See E/CN.6/1997/4, paras. 61-66.

[27] See CAT/C/3/Rev.2.

[28] See art. 39.2 of ICCPR; art. 18.2 of CAT; and art. 10.1 of CERD.

[29] See General Assembly resolution 2200 (A) (XXI), annex.

[30] See art. 19.1 of the Convention.

[31] See Human Rights Committee rule 79.2; CAT rule 98.1 and CERD rule 83.1.

[32] See Optional Protocol, art. 4.1; CAT art. 22.3; and CERD art. 14.6(a).

[33] See Human Rights Committee rule 91.2; CAT rule 108.3; and CERD rule 92.3.

[34] See Human Rights Committee rule 91.1; CAT rule 108.1; and CERD, rule 92.1.

[35] See Human Rights Committee rule 91.1; CAT rule 108.5; and CERD rule 92.5.

[36] See AT rule 108.6 and CERD rule 92.6.

[37] See Human Rights Committee rule 89.1, CAT rule 106.1 and CERD rule 87.1.

[38] See Human Rights Committee rule 94.1; CERD rule 95.1; CAT rule 111.1.

[39] See Human Rights Committee rule 89.2; CAT rule 106.2; CERD rule 87.2.

[40] See Human Rights Committee rule 87.2.

[41] See Human Rights Committee rule 89.3; CAT rule 106.3; and CERD rule 87.3.

[42] See Human Rights Committee rule 92.2; CAT rule 109.2; and CERD rule 93.2.

[43] See Human Rights Committee rule 93.4; CAT rule 110.6; and CERD rule 94.6.

[44] See CAT rule 100.2 and CERD rule 94.2.

[45] See Human Rights Committee rule 93.3; CAT rule 110.4; and CERD rule 94.4.

[46] See CERD rule 94.1 and CAT rule 110.1.

[47] See *Official Records of the General Assembly, Fiftieth Session, Supplement No. 40* (A/50/40), vol. I, para. 494, communication No. 606/1994.

[48] See Human Rights Committee rules 91-95.

[49] See art. 5.3 of the ICCPR First Optional Protocol; CAT art. 22.6; MWC art. 77.6; and rule 88 of the Committee on the Elimination of Racial Discrimination.

[50] See Human Rights Committee rule 83; CAT rule 102 and CERD rule 97.

[51] See CERD rule 94.5.

[52] See CAT rule 110.5.

[53] See art. 5.1 of the ICCPR First Optional Protocol; art. 22.4 of CAT; art. 14.7(a) of CERD; and art. 77.5 of MWC.

[54] See Human Rights Committee rules 78 and 80, CAT rules 97 and 99 and CERD rules 82 and 84.

[55] See CERD rule 95.2 and CAT rule 111.2; and E/CN.6/1997/4, para. 88.

[56] See E/CN.6/1997/4, paras. 77, 78-83.

[57] See art. 5.4 of the ICCPR First Optional Protocol, art. 22.7 of CAT; art. 14.7(b) of CERD; and art. 77.7 of MWC.

[58] See CERD rule 95.5.

[59] See CAT rule 11.5.

[60] See *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 44* (A/48/44/Add.1); ibid., *Fifty-first Session, Supplement No. 44* (A/51/44), paras. 180-222; and ibid., *Fiftieth Session, Supplement No. 44* (A/50/44), para. 188.

Annex

Comparative chart of individual communications and inquiry procedures under international human rights instruments

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	*First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)*	*Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)*	*International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*	*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)*
Art. 1: A State Party to the present Protocol ("State Party") recognizes the competence of the Committee on the Elimination of Discrimination against Women ("the Committee") to receive and consider communications submitted in accordance with article 2.	Art. 1: A State Party to the Covenant that becomes a party to the present Protocol recognizes the competence of the Committee to receive and consider communications ...	Art. 22.1: A State party to this Convention may at any time declare under this article that it recognizes the competence of the Committee to receive and consider communications ...	Art. 14.1: A State Party may at any time declare that it recognizes the competence of the Committee to receive and consider communications ...	Art. 77.1: A State Party to the present Convention may at any time declare under the present article that it recognizes the competence of the Committee to receive and consider communications ...
Art. 2: Communications may be submitted by or on behalf of individuals or groups of individuals, under the jurisdiction of a State Party, claiming to be victims of a violation of any of the rights set forth in the Convention by that State Party. Where a communication is submitted on behalf of individuals or groups of individuals, this shall be with their consent unless the author can justify acting on their behalf without such consent.	Art. 1: ... communications from individuals subject to its jurisdiction who claim to be victims of a violation by that State Party of any of the rights set forth in the Covenant ... Art. 2: Subject to the provisions of article 1, individuals who claim that any of their rights enumerated in the Covenant have been violated ...	Art. 22.1: ... communications from or on behalf of individuals subject to its jurisdiction who claim to be victims of a violation by a State Party of the provisions of the Convention ...	Art. 14.1: ... communications from individuals or groups of individuals within its jurisdiction claiming to be victims of a violation by that State Party of any of the rights set forth in this Convention ...	Art. 77.1: ... communications from or on behalf of individuals subject to its jurisdiction who claim that their individual rights as established by the present Convention have been violated by that State Party ...

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	*First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)*	*Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)*	*International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*	*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)*
Art. 3: Communications shall be in writing and shall not be anonymous. No communication shall be received by the Committee if it concerns a State Party to the Convention that is not a party to the present Protocol.	Art. 2: ... individuals ... may submit a written communication to the Committee for consideration. Art. 3: The Committee shall consider inadmissible any communication under the present Protocol which is anonymous ... Art. 1: ... No communication shall be received by the Committee if it concerns a State Party to the Covenant which is not a party to the present Protocol.	Art. 22.2: The Committee shall consider inadmissible any communication under this article which is anonymous ... Art. 22.1: ... No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.	Art. 14.6(a): ... The Committee shall not receive anonymous communications. Art. 14.1: ... No communication shall be received by the Committee if it concerns a State Party which has not made such a declaration.	Art. 77.2: The Committee shall consider inadmissible any communication under the present article which is anonymous ... Art. 77.1: ... No communication shall be received by the Committee if it concerns a State Party that has not made such a declaration.
Art. 4.1: The Committee shall not consider a communication unless it has ascertained that all available domestic remedies have been exhausted unless the application of such remedies is unreasonable prolonged or unlikely to bring effective relief.	Art. 2: ... and who have exhausted all available domestic remedies ... Art. 5.2: The Committee shall not consider any communication from an individual unless it has ascertained that: ...(b) The individual has exhausted all available domestic remedies. This shall not be the rule where the application of the remedies is unreasonable prolonged.	Art. 22.5: The Committee shall not consider any communications from an individual under this article unless it has ascertained that: ...(b) The individual has exhausted all available domestic remedies; this shall not be the rule where the application of the remedies is unreasonable prolonged or is unlikely to bring effective relief to the person who is the victim of the violation of the Convention.	Art. 14.7(a): ... The Committee shall not consider any communication from a petitioner unless it has ascertained that the petitioner has exhausted all available domestic remedies. However, this shall not be the rule where the application of the remedies is unreasonably prolonged.	Art. 77.3: The Committee shall not consider any communication from an individual under the present article unless it has ascertained that: ...(b) The individual has exhausted all available domestic remedies; this shall not be the rule where, in the view of the Committee, the application of the remedies is unreasonable prolonged or is unlikely to bring effective relief to that individual.
Art. 4.2: The Committee shall declare a communication inadmissible where:	Art. 5.2: The Committee shall not consider any communication from an individual unless it has ascertained that:	Art. 22.5: The Committee shall not consider any communications from an individual under this article unless it has ascertained that:	Art. 14.7(a): ... The Committee shall not consider any communication from a petitioner unless it has ascertained that ...	Art. 77.3: The Committee shall not consider any communication from an individual under the present article unless it has ascertained that:

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Art. 4.2(a): The same matter has already been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement;	Art. 5.2(a): The same matter is not being examined under another procedure of international investigation or settlement;	Art. 22.5(a): The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;		Art. 77.3(a): The same matter has not been, and is not being, examined under another procedure of international investigation or settlement;
Art. 4.2(b): It is incompatible with the provisions of the Convention;	Art. 3: The Committee shall consider inadmissible any communication under the present Protocol ... which it considers to be ... incompatible with the provisions of the Covenant.	Art. 22.2: The Committee shall consider inadmissible any communication under this article ... which it considers ... to be incompatible with the provisions of this Convention.		Art. 77.2: The Committee shall consider inadmissible any communication under the present article ... which it considers ... to be incompatible with the provisions of the present Convention.
Art. 4.2(c): It is manifestly ill-founded or not sufficiently substantiated;				
Art. 4.2(d): It is an abuse of the right to submit a communication;	Art. 3: The Committee shall consider inadmissible any communication under the present Protocol ... which it considers to be an abuse of the right of submission of such communications ...	Art. 22.2: The Committee shall consider inadmissible any communication under this article ... which it considers to be an abuse of the right of submission of such communications ...		Art. 77.2: The Committee shall consider inadmissible any communication under the present article ... which it considers to be an abuse of the right of submission of such communications ...
Art. 4.2(e): The facts that are the subject of the communication occurred prior to the entry into force of the present Protocol for the State Party concerned unless those facts continued after that date.				

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Art. 5.1: At any time after the recept of a communication and before a determination on the merits has been reached, the Committee may transmit to the State Party concerned for its urgent consideration a request that the State Party take such interim measures as may be necessary to avoid possible irreparable damage to the victim or victims of the alleged violation.				
Art. 5.2: Where the Committee exercises its discretion under paragraph 1 of the present article, this does not imply a determination on admissibility or on the merits of the communication.				
Art. 6.1: Unless the Committee considers a communication inadmissible without reference to the State Party concerned, and provided that the individual or individuals consent to the disclosure of their identity to that State Party, the Committee shall bring any communication submitted to it under the present Protocol confidentially to the attention of the State Party concerned.	Art. 4.1: Subject to the provisions of article 3, the Committee shall bring any communications submitted to it under the present Protocol to the attention of the State Party to the present Protocol alleged to be violating any provision of the Covenant	Art. 22.3: Subject to the provisions of paragraph 2, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to this Convention which has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention ...	Art. 14.6(a): The Committee shall confidentially bring any communication referred to it to the attention of the State Party alleged to be violating any provision of this Convention, but the identity of the individual or groups of individuals concerned shall not be revealed without his or their express consent ...	Art. 77.4: Subject to the provisions of paragraph 2 of the present article, the Committee shall bring any communications submitted to it under this article to the attention of the State Party to the present Convention that has made a declaration under paragraph 1 and is alleged to be violating any provisions of the Convention ...

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Art. 6.2: Within six months, the receiving State Party shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been provided by that State Party.	Art. 4.2: Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.	Art. 22.3: ... Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.	Art. 14.6(b): Within three months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.	Art. 77.4: ... Within six months, the receiving State shall submit to the Committee written explanations or statements clarifying the matter and the remedy, if any, that may have been taken by that State.
Art. 7.1: The Committee shall consider communications received under the present Protocol in the light of all information made available to it by or on behalf of individuals or groups of individuals and by the State Party concerned, provided that this information is transmitted to the parties concerned.	Art. 5.3: The Committee shall consider communications received under the present Protocol in light of all written information made available to it by the individual and by the State Party concerned.	Art. 22.4: The Committee shall consider communications received under this article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.	Art. 14.7(a): The Committee shall consider communications in the light of all information made available to it by the State Party concerned and by the petitioner ...	Art. 77.5: The Committee shall consider communications received under the present article in the light of all information made available to it by or on behalf of the individual and by the State Party concerned.
Art. 7.2: The Committee shall hold closed meetings when examining communications under the present Protocol.	Art. 5.3: The Committee shall hold closed meetings when examining communications under the present Protocol.	Art. 22.6: The Committee shall hold closed meetings when examining communications under this article.		Art. 77.6: The Committee shall hold closed meetings when examining communications under the present article.
Art. 7.3: After examining a communication, the Committee shall transmit its views on the communication, together with its recommendations, if any, to the parties concerned.	Art. 5.4: The Committee shall forward its views to the State Party concerned and to the individual.	Art. 22.7: The Committee shall forward its views to the State Party concerned and to the individual.	Art. 14.7(b): The Committee shall forward its suggestions and recommendations, if any, to the State Party concerned and to the petitioner.	Art. 77.7: The Committee shall forward its views to the State Party concerned and to the individual.

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Art. 7.4: The State Party shall give due consideration to the views of the Committee, together with its recommendations, if any, and shall submit to the Committee, within six months, a written response, including information on any action taken in the light of the views and recommendations of the Committee.				
Art. 7.5: The Committee may invite the State Party to submit further information about any measures the State Party has taken in response to its views or recommendations, if any, including as deemed appropriate by the Committee, in the State Party's subsequent reports under article 18 of the Convention.				
Art. 8.1: If the Committee receives reliable information indicating grave or systematic violations by a State Party of rights set forth in the Convention, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.		Art. 20.1: If the Committee receives reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State Party, the Committee shall invite that State Party to cooperate in the examination of the information and to this end to submit observations with regard to the information concerned.		

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Art. 8.2: Taking into account any observations that may have been submitted by the State Party concerned as well as any other reliable information available to it, the Committee may designate one or more of its members to conduct an inquiry and to report urgently to the Committee. Where warranted and with the consent of the State Party, the inquiry may include a visit to its territory.		Art. 20.2: Taking into account any observations which may have been submitted by the Sate Party concerned, as well as any other relevant information available to it, the Committee may, if it decides that this is warranted, designate one or more of its members to make a confidential inquiry and to report to the Committee urgently. Art. 20.3: ... In agreement with that State Party, such a inquiry may include a visit to its territory.		
Art. 8.3: After examining the findings of such an inquiry, the Committee shall transmit these findings to the State Party concerned together with any comments and recommendations.		Art. 20.4: After examining the findings its member or members submitted in accordance with paragraph 2 of this article, the Committee shall transmit these findings to the State Party concerned together with any comments or suggestions which seem appropriate in view of the situation.		
Art. 8.4: The State Party concerned shall, within six months of receiving the findings, comments and recommendations transmitted by the Committee, submit its observations to the Committee.				

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Art. 8.5: Such an inquiry shall be conducted confidentially and the cooperation of the State Party shall be sought at all stages of the proceedings.		Art. 20.3: If an inquiry is made in accordance with paragraph 2 of this article, the Committee shall seek the cooperation of the State Party concerned ...		
		Art. 20.5: All the proceedings of the Committee referred to in paragraphs 1 to 4 of this article shall be confidential, and at all stages of the proceedings the cooperation of the State Party shall be sought ...		
Art. 12: The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.		Art. 20.5: ... After such proceedings have been completed with regard to an inquiry made in accordance with paragraph 2, the Committee may, after consultations with the State Party concerned, decide to include a summary account of the results of the proceedings in its annual report made in accordance with article 24.		
Art. 9.1: The Committee may invite the State Party concerned to include in its report under article 18 of the Convention details of any measures taken in response to an inquiry conducted under article 8 of the present Protocol.				

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Art. 9.2: The Committee may, if necessary, after the end of the period of six months referred to in article 8.4, invite the State Party concerned to inform it of the measures taken in response to such inquiry.				
Art. 10.1: Each State Party may, at the time of signature or ratification of the present Protocol or accession thereto, declare that it does not recognize the competence of the Committee provided for in articles 8 and 9.		Art. 28.1: Each State Party may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognized the competence of the Committee provided for in article 20.		
Art. 10.2: Any State Party having made a declaration in accordance with paragraph 1 of the present article may, at any time, withdraw this declaration by notification to the Secretary-General.		Art. 28.2: Any State Party having made a reservation in accordance with paragraph 1 of this article may, at any time, withdraw this reservation by notification of the Secretary-General of the United Nations.		
Art. 11: A State Party shall take all appropriate steps to ensure that individuals under its jurisdiction are not subjected to ill treatment or intimidation as a consequence of communicating with the Committee pursuant to the present Protocol.				

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Art. 12: The Committee shall include in its annual report under article 21 of the Convention a summary of its activities under the present Protocol.	Art. 6: The Committee shall include in its annual report under article 45 of the Covenant a summary of its activities under the present Protocol.	Art. 24: The Committee shall submit an annual report on its activities under this Convention to the States Parties and to the General Assembly of the United Nations.	Art. 14.8: The Committee shall include in its annual report a summary of such communications and, where appropriate, a summary of the explanations and statements of the States Parties concerned and of its own suggestions and recommendations.	
Art. 13: Each State Party undertakes to make widely known and to give publicity to the Convention and the present Protocol and to facilitate access to information about the views and recommendations of the Committee, in particular, on matters involving that State Party.				
Art. 14: The Committee shall develop its own rules of procedure to be followed when exercising the functions conferred on it by the present Protocol.				
Art. 15.1: The present Protocol shall be open for signature by any State that has signed, ratified or acceded to the Convention.	Art. 8.1: The present Protocol is open for signature by any State which has signed the Covenant.	Art. 25.1: This Convention is open for signature by all States.	Art. 17.1: This Convention is open for signature ...	Art. 86.1: The present Convention shall be open for signature by all States.
Art. 15.2: The present Protocol shall be subject to ratification by any State that has ratified or acceded to the Convention. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.	Art. 8.2: The present Protocol is subject to ratification by any State which has ratified or acceded to the Covenant. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.	Art. 25.2: This Convention is subject to ratification ...	Art. 17.2: This Convention is subject to ratification ...	Art. 86. ... It is subject to ratification.

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Art. 15.3: The present Protocol shall be open to accession by any State that has ratified or acceded to the Convention.	Art. 8.3.: The present Protocol shall be open to accession by any State which has ratified or acceded to the Covenant.	Art. 26: This Convention is open to accession by all States ...	Art. 18.1: This Convention shall be open to accession ...	Art. 86.2: The present Convention is open to accession by any State.
Art. 15.4: Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.	Art. 8.4: Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.	Art. 26: ... Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.	Art. 18.2: Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.	Art. 86.3: Instruments of ratification or accession shall be deposited with the Secretary-General of the United Nations.
		Art. 22.8: Such declarations [under paragraph 1 of this article] shall be deposited by the States Parties with the Secretary-General of the United Nations ...	Art. 14.3: A declaration made in accordance with paragraph 1 of this article ... shall be deposited by the State Party concerned with the Secretary-General of the United Nations ...	Art. 77.8: Such declarations [under paragraph 1 of the present article] shall be deposited by the States Parties with the Secretary-General of the United Nations ...
Art. 16.1: The present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or accession.	Art. 9.1: Subject to the entry into force of the Covenant, the present Protocol shall enter into force three months after the date of the deposit with the Secretary-General of the United Nations of the tenth instrument of ratification or instrument of accession.	Art. 22.8: The provisions of this article shall come into force when five States Parties to this Convention have made declarations under paragraph 1 of this article. Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations ...	Art. 14.9: The Committee shall be competent to exercise the functions provided for in this article only when at least ten States Parties to this Convention are bound by declarations in accordance with paragraph 1 of this article.	Art. 77.8: The provisions of the present article shall come into force when ten States Parties to the present Convention have made declarations under paragraph 1 of the present article.
Art. 16.2: For each State ratifying the present Protocol or acceding to it after its entry into force, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or accession.	Art. 9.2: For each State ratifying the present Protocol or acceding to it after the deposit of the tenth instrument of ratification or instrument of accession, the present Protocol shall enter into force three months after the date of the deposit of its own instrument of ratification or instrument of accession.			
Art. 17: No reservations to the present Protocol shall be permitted.				

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Art. 18.1: Any State Party may propose an amendment to the present Protocol and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the State Parties with a request that they notify her or him whether they favour a conference of States Parties for the purpose of considering and voting on the proposal. In the event that at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.	Art. 11: Any State Party to the present Protocol may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties to the present Protocol with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.	Art. 29.1: Any State Party to this Convention may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendment to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposal. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting at the conference shall be submitted by the Secretary-General to all States Parties for acceptance.		Art. 90: After five years after the entry into force of the Convention a request for the revision of the Convention may be made at any time by any State Party by means of a notification in writing addressed to the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate any proposed amendments to the States Parties with a request that they notify him whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one third of the States Parties favours such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of the States Parties present and voting shall be submitted to the General Assembly for approval.
Art. 18.2: Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional process.	Art. 11.2: Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties to the present Protocol in accordance with their respective constitutional processes.	Art. 29.2: An amendment adopted in accordance with paragraph 1 of this article shall enter into force when two thirds of the States Parties to this Convention have notified the Secretary-General of the United Nations that they have accepted it in accordance with their respective constitutional processes.		Art. 90.2: Amendments shall come into force when they have been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of the States Parties in accordance with their respective constitutional processes.

Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women	*First Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR)*	*Convention against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (CAT)*	*International Convention on the Elimination of All Forms of Racial Discrimination (CERD)*	*International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (MWC)*
Art. 18.3: When amendments come into force, they shall be binding on those States Parties that have accepted them, other State Parties still being bound by the provisions of the present Protocol and any earlier amendments that they have accepted.	Art. 11.3: When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Protocol and any earlier amendment which they have accepted.	Art. 29.3: When amendments enter into force, they shall be binding on those States Parties which have accepted them, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.		Art. 90.3: When amendments come into force, they shall be binding on those States Parties that have accepted them, other States Parties still being bound by the provisions of the present Convention and any earlier amendment that they have accepted.
Art. 19.1: Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.	Art. 12.1: Any State Party may denounce the present Protocol at any time by written notification addressed to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.	Art. 22.8: ... A declaration may be withdrawn at any time by notification to the Secretary-General ... no further communication by or on behalf of an individual shall be received under this article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.	Art. 14.3: A declaration made in accordance with paragraph 1 of this article ... may be withdrawn at any time by notification to the Secretary-General ...	Art. 77.8: ... A declaration may be withdrawn at any time by notification to the Secretary-General ... no further communication by or on behalf of an individual shall be received under the present article after the notification of withdrawal of the declaration has been received by the Secretary-General, unless the State Party has made a new declaration.
Art. 19.2: Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 or any inquiry initiated under article 8 before the effective date of denunciation.	Art. 12.2: Denunciation shall be without prejudice to the continued application of the provisions of the present Protocol to any communication submitted under article 2 before the effective date of denunciation.	Art. 22.8: ... Such a withdrawal shall not prejudice the consideration of any matter which is the subject of a communication already transmitted under this article;	Art. 14.3: A declaration made in accordance with paragraph 1 of this article ... may be withdrawn at any time ... but such withdrawal shall not affect communications pending before the Committee.	Art. 77.8: ... Such a withdrawal shall not prejudice the consideration of any matter that is the subject of a communication already transmitted under the present article; ...

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Art. 20: The Secretary-General of the United Nations shall inform all States of: (a) Signatures, ratifications and accession under the present Protocol; (b) The date of entry into force of the present Protocol and of any amendment under article 18; (c) Any denunciation under article 19.	Art. 8.5: The Secretary-General of the United Nations shall inform all States which have signed the present Protocol or acceded to it of the deposit of each instrument of ratification or accession. Art. 13: Irrespective of the notifications made under article 8, paragraph 5, of the present Protocol, the Secretary-General of the United Nations shall inform all States referred to in article 48, paragraph 1, of the Covenant of the following particulars: (a) Signatures, ratifications, and accessions under article 8; (b) The date of entry into force of the present Protocol under article 9 and the date of the entry into force of any amendments under article 11; (c) Denunciations under article 12.	Art. 22.8: ... Such declaration shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties ...	Art. 14.3: A declaration made in accordance with paragraph 1 of this article ... shall be deposited by the State Party concerned with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties ... Art. 24: The Secretary-General of the United Nations shall inform all States referred to in article 17, paragraph 1, of this Convention of the following particulars: (a) Signatures, ratification and accessions under article 17 and 18; (b) The date of entry into force of this Convention under article 19; (c) Communications and declarations received under articles 14, 20 and 23; (d) Denunciations under article 21.	Art. 77.8: ... Such declarations shall be deposited by the States Parties with the Secretary-General of the United Nations, who shall transmit copies thereof to the other States Parties ...
Art. 21.1: The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.	Art. 14.1: The present Protocol, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.	Art. 33.1: This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.	Art. 25.1: This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited in the archives of the United Nations.	Art. 93.1: This Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

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Art. 21.2: The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 25 of the Convention.	Art. 14.2: The Secretary-General of the United Nations shall transmit certified copies of the present Protocol to all States referred to in article 48 of the Covenant.	Art. 33.2: The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States.	Art. 25.2: The Secretary-General of the United Nations shall transmit certified copies of this Convention to all States belonging to any of the categories mentioned in article 17, paragraph 1, of the Convention.	Art. 93.2: The Secretary-General of the United Nations shall transmit certified copies of the present Convention to all States.